

**To:** Williams, Mike[Mike.Williams@tetrattech.com]  
**From:** McCoy, Erin  
**Sent:** Wed 2/1/2017 4:44:57 PM  
**Subject:** Listed Waste Determination for Dico  
Rose Guard Letter 09-04-2008.pdf

FYI



Erin McCoy, P.G. | Remedial Project Manager

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**From:** Buckner, Edwin  
**Sent:** Monday, January 30, 2017 1:37 PM  
**To:** McCoy, Erin <McCoy.Erin@epa.gov>  
**Subject:** FW: Letter to HPI Products

Erin, regarding our discussion this morning about a facility that manufactured fertilizer that was sprayed with a pesticide, any kind of debris or waste contaminated with spilled or otherwise wasted P-listed pesticide would be a P-listed waste. Overspray or contamination from the manufacturing process would cause the contaminated media to also be P-listed.

After the pesticide was applied to the fertilizer, the product packaged and stored on site would not be a P-listed waste, including any contaminated media from the fertilizer storage, because what would have been a P-listed waste is no longer the sole active ingredient of the product (pesticide and fertilizer). The comment in the regulations to 40

CFR 261,33(d) indicates for a product to be a P or U-listed waste, the compound must be the sole active ingredient of the product. In this case, the fertilizer/pesticide material had more than one active ingredient.

Please note that if any of the pesticide product was stored somewhere and caused contamination, that contaminated media would be a P-listed waste.

The attached letter might provide some help. I was told there are some documents in RCRA Online that may provide further assistance, but I have not yet found them.

If you have any questions, please contact me.

Edwin G. Buckner PE

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